

S T A T E   O F   N E W   Y O R K

---

876--A

2011-2012 Regular Sessions

I N   S E N A T E

(PREFILED)

January 5, 2011

---

Introduced by Sen. SQUADRON -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- recommitted to the Committee on Elections in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the election law, in relation to providing for a state board of elections enforcement unit and counsel

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 3 of section 3-100 of the election law, as  
2 amended by chapter 220 of the laws of 2005, is amended to read as  
3 follows:  
4     3. The commissioners of the state board of elections shall have no  
5 other public employment. The commissioners shall receive an annual sala-  
6 ry of twenty-five thousand dollars, within the amounts made available  
7 therefor by appropriation. The board shall, for the purposes of sections  
8 seventy-three and seventy-four of the public officers law, be a "state  
9 agency", and such commissioners shall be "officers" of the state board  
10 of elections for the purposes of such sections. Within the amounts made  
11 available by appropriation therefor, the state board of elections shall  
12 appoint two co-executive directors, [counsel] AN ENFORCEMENT COUNSEL, A  
13 DEPUTY ENFORCEMENT COUNSEL, WHO SHALL BE A MEMBER OF A DIFFERENT MAJOR  
14 POLITICAL PARTY THAN THE ENFORCEMENT COUNSEL, A SPECIAL COUNSEL, A DEPU-  
15 TY SPECIAL COUNSEL, WHO SHALL BE A MEMBER OF A DIFFERENT MAJOR POLITICAL  
16 PARTY THAN THE SPECIAL COUNSEL, A DIRECTOR OF ELECTION OPERATIONS, A  
17 DEPUTY DIRECTOR OF ELECTION OPERATIONS, WHO SHALL BE A MEMBER OF A  
18 DIFFERENT MAJOR POLITICAL PARTY THAN THE DIRECTOR OF ELECTION OPER-  
19 ATIONS, A DIRECTOR OF PUBLIC INFORMATION, A DEPUTY DIRECTOR OF PUBLIC  
20 INFORMATION, WHO SHALL BE A MEMBER OF A DIFFERENT MAJOR POLITICAL PARTY  
21 THAN THE DIRECTOR OF PUBLIC INFORMATION and such other staff members as

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD04075-04-2

1 are necessary in the exercise of its functions, and may fix their  
2 compensation. [Anytime after the effective date of the chapter of the  
3 laws of two thousand five which amended this subdivision, the] THE  
4 commissioners or, in the case of a vacancy on the board, the commission-  
5 er of each of the major political parties shall appoint one co-executive  
6 director. Each co-executive director shall serve a term of four years.  
7 THE ENFORCEMENT COUNSEL AND THE SPECIAL COUNSEL SHALL EACH SERVE A TERM  
8 OF FOUR YEARS AND MAY ONLY BE REMOVED FOR CAUSE. ANY TIME AFTER THE  
9 EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND TWELVE AMEND-  
10 ING THIS SUBDIVISION, THE COMMISSIONERS, OR IN THE CASE OF A VACANCY ON  
11 THE BOARD, THE COMMISSIONER, OF EACH OF THE SAME MAJOR POLITICAL PARTY  
12 AS THE INCUMBENT ENFORCEMENT COUNSEL, DEPUTY ENFORCEMENT COUNSEL,  
13 SPECIAL COUNSEL, DEPUTY SPECIAL COUNSEL, DIRECTOR OF ELECTION OPER-  
14 ATIONS, DEPUTY DIRECTOR OF ELECTION OPERATIONS, DIRECTOR OF PUBLIC  
15 INFORMATION AND DEPUTY DIRECTOR OF PUBLIC INFORMATION, SHALL APPOINT  
16 SUCH COUNSELS, DIRECTORS AND DEPUTIES. Any vacancy in the office of  
17 co-executive director, ENFORCEMENT COUNSEL, DEPUTY ENFORCEMENT COUNSEL,  
18 SPECIAL COUNSEL, DEPUTY SPECIAL COUNSEL, DIRECTOR OF ELECTION OPER-  
19 ATIONS, DEPUTY DIRECTOR OF ELECTION OPERATIONS, DIRECTOR OF PUBLIC  
20 INFORMATION AND DEPUTY DIRECTOR OF PUBLIC INFORMATION, shall be filled  
21 by the commissioners or, in the case of a vacancy on the board, the  
22 commissioner of the same major political party as the vacating incumbent  
23 for the remaining period of the term of such vacating incumbent, FOR THE  
24 REMAINING PERIOD OF THE TERM OF SUCH VACATING INCUMBENT.

25 S 2. Subdivision 3, paragraph (c) of subdivision 9-A and subdivision  
26 17 of section 3-102 of the election law, subdivisions 3 and 17 as  
27 amended by chapter 9 of the laws of 1978, paragraph (c) of subdivision  
28 9-A as added by chapter 430 of the laws of 1997 and subdivision 17 as  
29 renumbered by chapter 23 of the laws of 2005, are amended to read as  
30 follows:

31 3. conduct any investigation necessary to carry out the provisions of  
32 this chapter, PROVIDED, HOWEVER, THAT THE STATE BOARD OF ELECTIONS  
33 ENFORCEMENT COUNSEL, ESTABLISHED PURSUANT TO SECTION 3-104 OF THIS ARTI-  
34 CLE, SHALL CONDUCT ANY INVESTIGATION NECESSARY TO ENFORCE THE PROVISIONS  
35 OF ARTICLE FOURTEEN OF THIS CHAPTER ON BEHALF OF THE BOARD OF ELECTIONS;

36 (c) establish [a] AN EDUCATIONAL AND training program on ALL REPORTING  
37 REQUIREMENTS INCLUDING BUT NOT LIMITED TO the electronic reporting proc-  
38 ess and make it EASILY AND READILY available to any such candidate or  
39 committee AND NOTIFY ANY SUCH CANDIDATE OR COMMITTEE OF THE AVAILABILITY  
40 OF THE MOST RECENT CAMPAIGN FINANCE HANDBOOK;

41 17. HEAR AND CONSIDER THE RECOMMENDATIONS OF THE STATE BOARD OF  
42 ELECTIONS ENFORCEMENT COUNSEL REGARDING THE ENFORCEMENT OF VIOLATIONS OF  
43 ARTICLE FOURTEEN OF THIS CHAPTER;

44 18. perform such other acts as may be necessary to carry out the  
45 purposes of this chapter.

46 S 3. Section 3-104 of the election law, subdivisions 1, 3, 4 and 5 as  
47 redesignated and subdivision 2 as amended by chapter 9 of the laws of  
48 1978, is amended to read as follows:

49 S 3-104. State board of elections AND THE STATE BOARD OF ELECTIONS  
50 ENFORCEMENT COUNSEL; enforcement powers. 1. (A) THERE SHALL BE A UNIT  
51 KNOWN AS THE STATE BOARD OF ELECTIONS ENFORCEMENT UNIT ESTABLISHED WITH-  
52 IN THE STATE BOARD OF ELECTIONS. THE HEAD OF SUCH UNIT SHALL BE THE  
53 ENFORCEMENT COUNSEL.

54 (B) The state board of elections shall have jurisdiction of, and be  
55 responsible for, the execution and enforcement of the provisions of  
56 [article fourteen of this chapter and other] statutes governing

1 campaigns, elections and related procedures; PROVIDED HOWEVER THAT THE  
2 ENFORCEMENT COUNSEL SHALL HAVE SOLE AUTHORITY WITHIN THE STATE BOARD OF  
3 ELECTIONS TO INVESTIGATE ON HIS OR HER OWN INITIATIVE OR UPON COMPLAINT,  
4 ALLEGED VIOLATIONS OF ARTICLE FOURTEEN OF THIS CHAPTER AND ALL  
5 COMPLAINTS ALLEGING ARTICLE FOURTEEN VIOLATIONS SHALL BE FORWARDED TO  
6 THE ENFORCEMENT UNIT. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO  
7 DIMINISH OR ALTER THE STATE BOARD OF ELECTIONS' JURISDICTION PURSUANT TO  
8 THIS CHAPTER.

9 2. Whenever [the state board of elections or other] A LOCAL board of  
10 elections shall determine, on its own initiative or upon complaint, or  
11 otherwise, that there is substantial reason to believe a violation of  
12 this chapter or any code or regulation promulgated thereunder has  
13 [occurred] BEEN COMMITTED BY A CANDIDATE OR POLITICAL COMMITTEE THAT  
14 FILES STATEMENTS OR IS REQUIRED TO DO SO PURSUANT TO ARTICLE FOURTEEN OF  
15 THIS CHAPTER SOLELY WITH SUCH LOCAL BOARD, it shall expeditiously make  
16 an investigation which shall also include investigation of reports and  
17 statements made or failed to be made by the complainant and any poli-  
18 tical committee supporting his candidacy if the complainant is a candi-  
19 date or, if the complaint was made by an officer or member of a poli-  
20 tical committee, of reports and statements made or failed to be made by  
21 such political committee and any candidates supported by it. [The state  
22 board of elections, in lieu of making such an investigation, may direct  
23 the appropriate board of elections to make an investigation.] The state  
24 board of elections may request, and shall receive, the assistance of the  
25 state police in any investigation it shall conduct.

26 3. [If, after an investigation, the state or other board of elections  
27 finds reasonable cause to believe that a violation warranting criminal  
28 prosecution has taken place, it shall forthwith refer the matter to the  
29 district attorney of the appropriate county and shall make available to  
30 such district attorney all relevant papers, documents, testimony and  
31 findings relevant to its investigation.

32 4. The state or other board of elections may, where appropriate,  
33 commence a judicial proceeding with respect to the filing or failure to  
34 file any statement of receipts, expenditures, or contributions, under  
35 the provisions of this chapter, and the state board of elections may  
36 direct the appropriate other board of elections to commence such  
37 proceeding.

38 5.] IF THE ENFORCEMENT COUNSEL DETERMINES THAT A VIOLATION OF SUBDI-  
39 VISION ONE OF SECTION 14-126 OF THIS CHAPTER HAS OCCURRED WHICH COULD  
40 WARRANT A CIVIL PENALTY, THE ENFORCEMENT COUNSEL SHALL, UPON HIS OR HER  
41 DISCRETION, SEEK TO RESOLVE THE MATTER EXTRA-JUDICIALLY OR COMMENCE A  
42 SPECIAL PROCEEDING IN THE SUPREME COURT PURSUANT TO SECTION 16-114 OF  
43 THIS CHAPTER.

44 4. UPON RECEIPT OF A COMPLAINT AND SUPPORTING INFORMATION OR AN INTER-  
45 NAL REFERRAL FROM THE ENFORCEMENT UNIT ALLEGING ANY OTHER VIOLATION OF  
46 ARTICLE FOURTEEN OF THIS CHAPTER, THE ENFORCEMENT COUNSEL SHALL ANALYZE  
47 THE FACTS AND THE LAW RELEVANT TO SUCH COMPLAINT OR REFERRAL TO DETER-  
48 MINE IF AN INVESTIGATION SHOULD BE UNDERTAKEN. THE ENFORCEMENT COUNSEL  
49 SHALL, IF NECESSARY, REQUEST ADDITIONAL INFORMATION FROM THE COMPLAINANT  
50 TO ASSIST SUCH COUNSEL IN MAKING THIS DETERMINATION. SUCH ANALYSIS SHALL  
51 INCLUDE THE FOLLOWING: FIRST, WHETHER THE ALLEGATIONS, IF TRUE, WOULD  
52 CONSTITUTE A VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER AND, SECOND,  
53 WHETHER THE ALLEGATIONS ARE SUPPORTED BY CREDIBLE EVIDENCE.

54 5. IF THE ENFORCEMENT COUNSEL DETERMINES THAT THE ALLEGATIONS  
55 CONTAINED IN A COMPLAINT, IF TRUE, WOULD NOT CONSTITUTE A VIOLATION OF  
56 ARTICLE FOURTEEN OF THIS CHAPTER OR THAT THE ALLEGATIONS ARE NOT

1 SUPPORTED BY CREDIBLE EVIDENCE, HE OR SHE SHALL: (A) NOTIFY THE DEPUTY  
2 ENFORCEMENT COUNSEL OF SUCH DETERMINATION AND (B) PUBLICLY NOTIFY THE  
3 STATE BOARD OF ELECTIONS OF SUCH DETERMINATION. IF THE STATE BOARD OF  
4 ELECTIONS PUBLICLY DETERMINES, AS PROVIDED IN THIS TITLE, THAT THE ALLE-  
5 GATIONS, IF TRUE, WOULD CONSTITUTE A VIOLATION OF ARTICLE FOURTEEN OF  
6 THIS CHAPTER AND THAT THE ALLEGATIONS APPEAR TO BE SUPPORTED BY CREDIBLE  
7 EVIDENCE, IT SHALL DIRECT THAT THE ENFORCEMENT COUNSEL CONDUCT AN INVE-  
8 TIGATION. LACKING SUCH A DETERMINATION, THE ENFORCEMENT COUNSEL SHALL  
9 ISSUE A LETTER TO THE COMPLAINANT DISMISSING THE COMPLAINT.

10 6. IF THE ENFORCEMENT COUNSEL DETERMINES THAT THE ALLEGATIONS, IF  
11 TRUE, WOULD CONSTITUTE A VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER  
12 AND THAT THE ALLEGATIONS APPEAR TO BE SUPPORTED BY CREDIBLE EVIDENCE, HE  
13 OR SHE SHALL: (A) NOTIFY THE DEPUTY ENFORCEMENT COUNSEL OF (I) HIS OR  
14 HER INTENT TO RESOLVE THE MATTER EXTRA-JUDICIALLY DUE TO THE DE MINIMUS  
15 NATURE OF THE VIOLATION; OR (II) HIS OR HER INTENT TO COMMENCE AN INVE-  
16 TIGATION, AND (B) PUBLICLY NOTIFY THE STATE BOARD OF ELECTIONS OF SUCH  
17 INTENT NO LATER THAN THE BOARD'S NEXT REGULARLY SCHEDULED MEETING.  
18 NOTIFICATION SHALL SUMMARIZE THE RELEVANT FACTS AND THE APPLICABLE LAW  
19 AND SHALL, TO THE EXTENT POSSIBLE, PROTECT FROM PUBLIC DISCLOSURE THE  
20 IDENTITY OF THE COMPLAINANT AND THE INDIVIDUAL SUBJECT TO THE COMPLAINT.  
21 THE DEPUTY ENFORCEMENT COUNSEL SHALL HAVE THE OPPORTUNITY TO REVIEW THE  
22 ENTIRE FILE OF ANY PRELIMINARY INVESTIGATION CONDUCTED BY THE ENFORCE-  
23 MENT COUNSEL A MINIMUM OF TEN DAYS PRIOR TO SAID REGULARLY SCHEDULED  
24 MEETING OF THE BOARD AND TO SUBMIT A PUBLIC, WRITTEN CONCURRENCE WITH OR  
25 DISSENT FROM THE ENFORCEMENT COUNSEL'S PROPOSAL.

26 7. IF, UPON CONSIDERING THE ENFORCEMENT COUNSEL'S NOTICE OF INTENT TO  
27 COMMENCE AN INVESTIGATION AND THE DEPUTY ENFORCEMENT COUNSEL'S RECOMMEN-  
28 DATION, THE STATE BOARD OF ELECTIONS BELIEVES THAT THE ALLEGATIONS, IF  
29 TRUE, WOULD NOT CONSTITUTE A VIOLATION OF ARTICLE FOURTEEN OF THIS CHAP-  
30 TER, OR THE ALLEGATIONS ARE NOT SUPPORTED BY CREDIBLE EVIDENCE OR, THAT  
31 ON BALANCE, THE EQUITIES FAVOR A DISMISSAL OF THE COMPLAINT, THE BOARD  
32 SHALL PUBLICLY DIRECT THAT AN INVESTIGATION NOT BE UNDERTAKEN NO LATER  
33 THAN SIXTY DAYS AFTER THE RECEIPT OF NOTIFICATION FROM THE ENFORCEMENT  
34 COUNSEL OF HIS OR HER INTENT TO COMMENCE AN INVESTIGATION. IN DETERMIN-  
35 ING WHETHER THE EQUITIES FAVOR A DISMISSAL OF THE COMPLAINT, THE STATE  
36 BOARD OF ELECTIONS SHALL CONSIDER THE FOLLOWING FACTORS: (A) WHETHER THE  
37 COMPLAINT ALLEGES A DE MINIMUS VIOLATION OF ARTICLE FOURTEEN OF THIS  
38 CHAPTER; (B) WHETHER THE SUBJECT OF THE COMPLAINT HAS MADE A GOOD FAITH  
39 EFFORT TO CORRECT THE VIOLATION; AND (C) WHETHER THE SUBJECT OF THE  
40 COMPLAINT HAS A HISTORY OF SIMILAR VIOLATIONS. DETERMINATIONS OF THE  
41 STATE BOARD OF ELECTIONS TO DISMISS A COMPLAINT AND NOT PROCEED WITH A  
42 FORMAL INVESTIGATION SHALL BE VOTED UPON AS PROVIDED IN SUBDIVISION FOUR  
43 OF SECTION 3-100 OF THIS TITLE AT AN OPEN MEETING PURSUANT TO ARTICLE  
44 SEVEN OF THE PUBLIC OFFICERS LAW, AND SHALL BE MADE ON A FAIR AND EQUI-  
45 TABLE BASIS AND WITHOUT REGARD TO THE STATUS OF THE SUBJECT OF THE  
46 COMPLAINT.

47 8. ABSENT A TIMELY DETERMINATION BY THE STATE BOARD OF ELECTIONS THAT  
48 AN INVESTIGATION SHALL NOT BE UNDERTAKEN, THE ENFORCEMENT COUNSEL SHALL  
49 COMMENCE AN INVESTIGATION ON A TIMELY BASIS. IF THE ENFORCEMENT COUNSEL  
50 DETERMINES THAT ADDITIONAL INVESTIGATIVE POWERS, AS PROVIDED FOR IN  
51 SUBDIVISIONS FOUR, FIVE AND SIX OF SECTION 3-102 OF THIS TITLE, ARE  
52 NEEDED TO COMPLETE THE COUNSEL'S INVESTIGATION, HE OR SHE SHALL REQUEST  
53 SUCH ADDITIONAL POWERS FROM THE STATE BOARD OF ELECTIONS. SUCH POWERS  
54 SHALL BE GRANTED BY THE BOARD IN PUBLIC ONLY WHEN THE BOARD FINDS THAT  
55 FURTHER INVESTIGATION IS WARRANTED AND JUSTIFIED.

1 9. AT THE CONCLUSION OF ITS INVESTIGATION, THE ENFORCEMENT COUNSEL  
2 SHALL PROVIDE THE DEPUTY ENFORCEMENT COUNSEL AND THE STATE BOARD OF  
3 ELECTIONS WITH A WRITTEN RECOMMENDATION AS TO: (A) WHETHER SUBSTANTIAL  
4 REASON EXISTS TO BELIEVE A VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER  
5 HAS OCCURRED AND, IF SO, THE NATURE OF THE VIOLATION AND ANY APPLICABLE  
6 PENALTY, AS DEFINED IN SECTION 14-126 OF THIS CHAPTER, BASED ON THE  
7 NATURE OF THE VIOLATION; (B) WHETHER THE MATTER SHOULD BE RESOLVED  
8 EXTRA-JUDICIALLY; (C) WHETHER A SPECIAL PROCEEDING SHOULD BE COMMENCED  
9 IN THE SUPREME COURT TO RECOVER A CIVIL PENALTY; AND (D) WHETHER A  
10 REFERRAL SHOULD BE MADE TO A DISTRICT ATTORNEY PURSUANT TO SUBDIVISION  
11 ELEVEN OF THIS SECTION BECAUSE REASONABLE CAUSE EXISTS TO BELIEVE A  
12 VIOLATION WARRANTING CRIMINAL PROSECUTION HAS TAKEN PLACE. THE DEPUTY  
13 ENFORCEMENT COUNSEL SHALL HAVE THE OPPORTUNITY TO REVIEW THE ENTIRE FILE  
14 OF ANY INVESTIGATION CONDUCTED BY THE ENFORCEMENT COUNSEL A MINIMUM OF  
15 TEN DAYS PRIOR TO SAID REGULARLY SCHEDULED MEETING OF THE BOARD AND TO  
16 SUBMIT A PUBLIC, WRITTEN CONCURRENCE WITH OR DISSENT FROM THE ENFORCE-  
17 MENT COUNSEL'S RECOMMENDATION.

18 10. THE STATE BOARD OF ELECTIONS SHALL ACCEPT, MODIFY OR REJECT THE  
19 ENFORCEMENT COUNSEL'S RECOMMENDATION NO LATER THAN SIXTY DAYS AFTER  
20 RECEIPT OF SUCH RECOMMENDATION. IN MAKING ITS DETERMINATION, THE BOARD  
21 SHALL AGAIN CONSIDER: (A) WHETHER THE COMPLAINT ALLEGES A DE MINIMUS  
22 VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER; (B) WHETHER THE SUBJECT  
23 OF THE COMPLAINT HAS MADE A GOOD FAITH EFFORT TO CORRECT THE VIOLATION;  
24 AND (C) WHETHER THE SUBJECT OF THE COMPLAINT HAS A HISTORY OF SIMILAR  
25 VIOLATIONS. ALL SUCH DETERMINATIONS SHALL BE VOTED UPON AS PROVIDED IN  
26 SUBDIVISION FOUR OF SECTION 3-100 OF THIS TITLE AT AN OPEN MEETING  
27 PURSUANT TO ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW, AND SHALL BE MADE  
28 ON A FAIR AND EQUITABLE BASIS, WITHOUT REGARD TO THE STATUS OF THE  
29 SUBJECT OF THE COMPLAINT.

30 11. (A) IF THE STATE BOARD OF ELECTIONS DETERMINES, AS PROVIDED IN  
31 SUBDIVISION TEN OF THIS SECTION, THAT SUBSTANTIAL REASON EXISTS TO  
32 BELIEVE THAT A PERSON, ACTING AS OR ON BEHALF OF A CANDIDATE OR POLI-  
33 TICAL COMMITTEE UNDER CIRCUMSTANCES EVINCING AN INTENT TO VIOLATE SUCH  
34 LAW, HAS UNLAWFULLY ACCEPTED A CONTRIBUTION IN EXCESS OF A CONTRIBUTION  
35 LIMITATION ESTABLISHED IN ARTICLE FOURTEEN OF THIS CHAPTER, WHICH COULD  
36 WARRANT A CIVIL PENALTY AS PROVIDED FOR IN SUBDIVISION THREE OF SECTION  
37 14-126 OF THIS CHAPTER, THE BOARD SHALL DIRECT THE COMMENCEMENT OF A  
38 SPECIAL PROCEEDING IN THE SUPREME COURT.

39 (B) IF THE STATE BOARD OF ELECTIONS DETERMINES, AS PROVIDED IN SUBDI-  
40 VISION TEN OF THIS SECTION THAT REASONABLE CAUSE EXISTS TO BELIEVE A  
41 VIOLATION WARRANTING CRIMINAL PROSECUTION HAS TAKEN PLACE, THE BOARD  
42 SHALL REFER THE MATTER TO A DISTRICT ATTORNEY AND SHALL MAKE AVAILABLE  
43 TO SUCH DISTRICT ATTORNEY ALL PAPERS, DOCUMENTS, TESTIMONY AND FINDINGS  
44 RELEVANT TO ITS INVESTIGATION.

45 12. UPON NOTIFICATION THAT A SPECIAL PROCEEDING HAS BEEN COMMENCED BY  
46 A PARTY OTHER THAN THE STATE BOARD OF ELECTIONS, PURSUANT TO SECTION  
47 16-114 OF THIS CHAPTER, THE STATE BOARD OF ELECTIONS SHALL DIRECT THE  
48 ENFORCEMENT COUNSEL TO INVESTIGATE THE ALLEGED VIOLATIONS UNLESS OTHER-  
49 WISE DIRECTED BY THE COURT.

50 13. THE ENFORCEMENT COUNSEL SHALL PREPARE A REPORT, TO BE INCLUDED IN  
51 THE ANNUAL REPORT TO THE GOVERNOR AND LEGISLATURE, SUMMARIZING THE  
52 ACTIVITIES OF THE UNIT DURING THE PREVIOUS YEAR. SUCH REPORT SHALL  
53 INCLUDE: (A) THE NUMBER OF COMPLAINTS RECEIVED; (B) THE NUMBER OF  
54 COMPLAINTS THAT WERE FOUND TO NEED INVESTIGATION AND THE NATURE OF EACH  
55 COMPLAINT; AND (C) THE NUMBER OF MATTERS THAT HAVE BEEN RESOLVED. THE

1 REPORT SHALL NOT CONTAIN ANY INFORMATION FOR WHICH DISCLOSURE IS NOT  
2 PERMITTED.

3 14. The state board of elections may promulgate rules and regulations  
4 consistent with law to effectuate the provisions of this section.

5 S 4. The state of New York shall appropriate during each fiscal year  
6 to the New York state board of elections enforcement unit, not less than  
7 thirty-five percent of the appropriation available from the general fund  
8 for the state board of elections to pay for the expenses of such  
9 enforcement unit.

10 S 5. This act shall take effect immediately.